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WESTERN DISTRICT OF LOUISIANA

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

ABDULLAH AL JABER

CIVIL ACTION NO. 06-0360

VERSUS

JUDGE ROBERT G. JAMES

ALBERTO GONZALES, ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [Doc. No. 1] filed by Petitioner Abdullah Al Jaber ("Jaber"). Jaber seeks release from detention by the United States Bureau of Immigrations and Customs Enforcement ("ICE") because he has been held for longer than six months following a final order of removal and "there is no significant likelihood of removal in the near future." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

On May 12, 2006, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 8] recommending that the Petition be dismissed without prejudice. Magistrate Judge Hayes relied on evidence provided by the Government that it has engaged in active efforts to secure Jaber's removal in the near future. The evidence shows that the Government has been attempting to obtain a travel document for Jaber from the Embassy of Bangladesh since October 7, 2005, without success. The last contact between ICE and the Embassy of Bangladesh was on April 20, 2006, when Consular Officer Nain indicated to ICE that his office would continue the process of verifying Jaber's identity and would issue a travel document once Jaber's citizenship was established. Based on this evidence, Magistrate Judge Hayes concluded that "the Government has demonstrated that it is engaged in ongoing efforts to secure Jaber's travel documents from the Embassy of Bangladesh and that it is likely that same

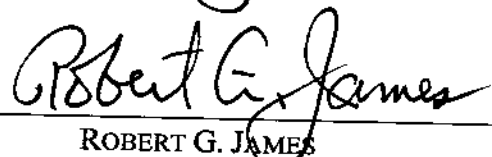
will be issued within a reasonable period. Jaber has failed to provide good reason to believe that his removal is unlikely in the foreseeable future." [Doc. No. 8, pp. 3-4].

However, in a July 7, 2006 status report, ICE admits that it has left messages for the Bangladesh Consulate twice since their last contact, but has received no response. Under these circumstances, the Court ADOPTS IN PART and DECLINES TO ADOPT IN PART the Report and Recommendation of Magistrate Judge Hayes. The Court ADOPTS and incorporates the statement of facts and law cited in the Report and Recommendation.

However, the Court DECLINES TO ADOPT Magistrate Judge Hayes' conclusion. Given Jaber's detention since his August 23, 2005 final order of removal and the current status of removal efforts, the Court finds that the Government has no "reasonable expectation" that travel documents will issue. Jaber has provided sufficient evidence to show that there is no significant likelihood of his removal in the reasonably foreseeable future. While the Government appears to have engaged in active efforts to secure Jaber's removal, that is not the issue before the Court.

Jaber's Petition for Writ of Habeas Corpus is GRANTED, and the Court ORDERS his release from detention under appropriate terms of supervision.

Monroe, Louisiana, this 11 day of July, 2006.



ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE